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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

NTC & Co. LLP, as former custodian of an
Individual Retirement Account for the benefit of
Raanan Smelin; ESTATE OF RAANAN SMELIN;
BETTY SMELIN, individually and in her capacity
as Executrix of the Estate of Raanan Smelin;

Adv. Pro. No. 12-01713 (SMB)

ANICE MILLS; DAVID SMELIN; and ADAM
SMELIN,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), and NTC & Co. LLP (“NTC”), and Estate of Raanan Smelin, Betty Smelin, individually and in her capacity as Executrix of the Estate of Raanan Smelin, Anice Mills, David Smelin and Adam Smelin by and through their counsel, Baker & Hostetler LLP, and (“Defendants”), by and through their counsel, Steven D. Feinstein of Feinstein & Naishtut, LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 8, 2012, the Trustee filed and served the Complaint against Defendants.
2. On August 10, 2012, NTC was voluntarily dismissed [Dkt. No. 4].
3. On November 14, 2012, this case was consolidated into Adversary Proceeding Number 10-04622.
4. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on October 22, 2015.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice and without costs to

either Party, subject to the right of the Trustee to move to re-open Adversary Proceeding 10-04622 in the event of an uncured default relating to the Secured Settlement Amount and Security Agreement provided for in the Settlement Agreement.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

8. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

[The remainder of this page is intentionally left blank. Signature page follows.]

Dated: March 15, 2017
New York, New York

BAKER & HOSTETLER LLP

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Madoff Investment Securities LLC and the
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FEINSTEIN & NAISHTUT, LLP

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Attorneys for Defendants

SO ORDERED

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge

Dated: March 16th, 2017
New York, New York